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08/823,744 03/25/97 SALESKY

J 17648-2

EXAMINER

LM01/0329

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ART UNIT

PAPER NUMBER

2756

DATE MAILED:

03/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/823,744

Applicant(s)

Salesky et al.

Examiner

William. C. Vaughn, Jr.

Group Art Unit

2756



☒ Responsive to communication(s) filed on Jan 14, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-22 is/are pending in the application.

Of the above, claim(s) 18-21 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-17 and 22 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. **Claims 1, 2 and 17**, drawn to a conferencing system between a server and a client, wherein the conference server is capable of transmitting said shared portion of the display to two or more clients in parallel and to data flow compensating by adjusting the flow of conference data to a plurality of nodes, classified in class 709, subclasses 204, 205 and 234.
 - II. **Claim 3**, drawn to plurality of intermediate servers for transmitting data streams, classified in class 709, subclass 231.
 - III. **Claims 4-16 and 22**, drawn to outputting data from a source node in an output data type selected from a group of data types consisting of base uncompressed, base compressed data, differenced uncompressed data and differenced compressed data, classified in class 709, subclass 247.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility such as a conferencing server whereas

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at least one client maintains a version of a shared portion and wherein the conference server is capable of transmitting said shared portion of said data set to two or more clients in parallel and to data flow compensating by adjusting the flow of conference data to a plurality of nodes, but lacks a plurality of intermediate servers capable of transmitting a data stream to each of said plurality of intermediate servers as well as said plurality of intermediate servers capable of forwarding said data stream, or a version to each of said plurality of clients and for determining for each of a plurality of clients connected to a intermediate server whether to discard elements of the data stream and to outputting data from a source node in an output data type selected from a group of data types consisting of base uncompressed, base compressed data, differenced uncompressed data and differenced compressed data. Invention II has a separate utility such as a sending dynamic data to a plurality of clients of differing capabilities and a plurality of intermediate servers capable of transmitting a data stream to each of said plurality of intermediate servers as well as said plurality of intermediate servers capable of forwarding said data stream, or a version to each of said plurality of clients and for determining for each of a plurality of clients connected to a intermediate server whether to discard elements of the data stream, but lacks a conferencing server whereas at least one client maintains a version of a shared portion and wherein the conference server is capable of transmitting said shared portion of said data set to two or more clients in parallel and to data flow compensating by adjusting the flow of conference data to a plurality of nodes and to outputting data from a source node in an output data type selected from a group of data types consisting of base uncompressed, base compressed data, differenced

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uncompressed data and differenced compressed data. Invention III has a separate utility such as to outputting data from a source node in an output data type selected from a group of data types consisting of base uncompressed, base compressed data, differenced uncompressed data and differenced compressed data, but lacks a conferencing server whereas at least one client maintains a version of a shared portion and wherein the conference server is capable of transmitting said shared portion of said data set to two or more clients in parallel and to data flow compensating by adjusting the flow of conference data to a plurality of nodes and a plurality of intermediate servers capable of transmitting a data stream to each of said plurality of intermediate servers as well as said plurality of intermediate servers capable of forwarding said data stream, or a version to each of said plurality of clients and for determining for each of a plurality of clients connected to a intermediate server whether to discard elements of the data stream. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

a. Group I search (claims 1, 2, and 17) would require use of search of class 709, subclasses 204, 205, and 234 (which would not be required for Groups II and III).

b. Group II search (claim 3) would require use of search of class 709, subclass 231 (which would not be required for Groups I and III).

c. Group III search (claims 4-16 and 22) would require use of search of class 709, subclass 247 (which would not be required for Groups I and II).

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4. A telephone call was made to Horace Ng on 17 March 2000 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

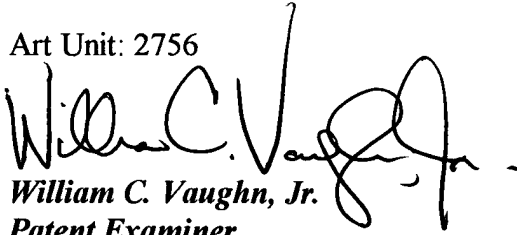
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on Monday through Friday from 8:00 to 4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Asta, can be reached on (703) 305-3817. The fax phone number for this Group is (703) 305-9731. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

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A handwritten signature in black ink, appearing to read "William C. Vaughn, Jr.", written over the printed name.

William C. Vaughn, Jr.

Patent Examiner

AU 2756

March 24, 2000

MEHMET B. GECKIL
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Mehmet Geckil", written below the printed name.